

MEMORANDUM

January 14, 2004

1/14/04
J. Aguel
[Signature]

TO: Gene Eckhardt, Assistant Director, Transportation and Water

FROM: Bonnie L. Allen, Regulatory Analyst [Signature]

SUBJECT: Application: GA-79221 Docket TG-031616

Waste Management of Washington, Inc. G-237
13225 N.E. 126th Place
Kirkland, WA 98034

GA-79221 is an application filed by Waste Management of Washington, Inc., (Waste Management) for extension of certificate authority in G-237 to collect and transport solid waste from a portion of Spokane County.

The application appeared on the November 17, 2003, application docket. No one filed a protest, intervention, or application for overlapping authority during the docket and protest period.

There is no existing certificate holder with authority to provide service in the requested area except for a portion of the "Dishman/Mica Road" that Empire Disposal, Inc., (Empire) currently holds in Certificate G-75.

Waste Management has been serving a portion of the "Dishman/Mica Road" that extends into the territory authorized in Empire's certificate. To resolve a protest in an earlier docket Empire agreed to release its interest in that portion of the road that Waste Management is currently serving. The revision was inadvertently omitted from the application filed in conjunction with that prior docket and is therefore being addressed through this extension application.

Under the provisions of RCW 81.77.040, the Commission may grant an application with or without hearing when there is no existing certificate holder authorized to provide solid waste collection service in the territory requested.

This is an uncontested application for authority to provide solid waste collection service. There are no existing carriers with authority to provide the requested service in this territory other than the portion of "Dishman/Mica Road" that is currently held by

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Empire. The applicant in this filing has no outstanding penalties, fines, administrative, or compliance actions pending before the commission. Staff has received no other information indicating this application should be set for hearing.

On receipt of Empire's release of overlapping authority, I recommend this application be granted without hearing and referred to staff for processing.

NOTES TO STAFF:

Need to receive Empire's release of the "Dishman/Mica Road" authority prior to processing the application without hearing. The order granting this application will also need to reissue Empire's certificate as revised.

The applicant must file verified statements supporting the need for service in the requested territory.

Coordinate with GIS staff to ensure that maps reflect the order effective date.

GIS staff has redrafted the Eastern Washington authority of Certificate G-237 to eliminate duplicating language, overlapping territory, and cancelled authority. The revised authority text will be forwarded to Licensing Staff as an e-mail attachment. GIS staff will also provide language to revise Certificate No. G-75 by restricting service on the portion of "Dishman/Mica Road" that will be served by Waste Management.

The company is already serving in the requested territory at existing tariff rates. Tariff staff will need to ensure the company filed tariffs reflect the current operating authority territories and determine if revised title pages (or other pages) are required.